

REMARKS

In response to the Office Action dated December 27, 2005, the Applicants have amended claims 1, 2, 5, 6, 7, 9, 11, 12, 14, 15, 16-24, and 26. Claims 1-26 remain in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) as including reference characters not mentioned in the specification. The Examiner required either corrected drawing sheets or an amendment to the specification to add the references characters in the drawings but not mentioned in the specification.

The Applicants have amended paragraphs [0046], [0054], [0055], [0056], and [0063] of the specification to now include all reference characters in the drawings to overcome this objection. Thus, drawing changes are not necessary.

The Office Action objected to claims 22-24, and 26 due to minor informalities.

The Applicants have amended the claims as suggested by the Examiner to overcome these objections.

The Office Action rejected claims 2, 5, 6, 11, 14, 15, 17, and 24 under 35 U.S.C. § 112, second paragraph, as being indefinite.

The Applicants have amended the claims as suggested by the Examiner to overcome these rejections.

The Office Action rejected claims 1, 3, 4, 7, 9, 10, 12, 13, and 18-22 under 35 U.S.C. § 101, as being directed to non-statutory subject matter.

The Applicants have amended the claims as suggested by the Examiner to overcome this rejection.

The Office Action rejected claims 1, 3, 4, 7, 9, 12, 16, and 18-22 under 35 U.S.C. 102(e) as allegedly being anticipated by Suzuki et al. (U.S. Patent No. 6,313,745). In addition, the Office Action rejected claims 2, 5, 6, 11, 14, 15, 17, and

23-25 under 35 U.S.C. 103(a) as allegedly being unpatentable over Suzuki et al. (U.S. Patent No. 6,313,745).

The Applicant respectfully traverses this rejection based on the amendments to the claims and the arguments below.

Specifically, among other things, the Applicant's claimed invention includes providing to the consumer a purchase money voucher in electronic form for ephemeral items related to the list of items to be purchased. Support for the newly amended claims can be found at least in FIG. 2 and paragraphs [0019] – [0021].

In contrast, with regard to the rejection under 35 USC 102(e), Suzuki et al. merely disclose a system for tracking and recognizing merchandise items taken into a fitting room (see Abstract of Suzuki et al.). Although Suzuki et al. disclose retrieving information about a product that might be purchased by a consumer (see col. 3, lines 50-53 of Suzuki et al.), Suzuki et al. clearly do not disclose providing to the consumer a purchase money voucher in electronic form for ephemeral items related to the list of items to be purchased, like the Applicants' claimed invention. As such, since Suzuki et al. is missing a limitation of the Applicants' claims, Suzuki et al. cannot anticipate the claims.

In addition, with regard to the rejection under 35 USC 103(a), Suzuki et al. cannot render the Applicants' invention obvious because the Applicants' providing to the consumer a purchase money voucher in electronic form for ephemeral items related to the list of items to be purchased is not disclosed, suggested, or taught by Suzuki et al. Hence, this failure of the cited reference to disclose, suggest or provide motivation for the Applicant's claimed invention indicates a lack of a prima facie case of obviousness (MPEP 2143).

With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the

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subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

Hewlett Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Respectfully submitted,
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Edmond A. DeFrank
Attorney for Applicants
Reg. No. 37,814
(818) 885-1575 TEL
(818) 885-5750 FAX